

1 UNITED STATES COURT OF APPEALS  
2 FOR THE SECOND CIRCUIT  
3

4 SUMMARY ORDER  
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6 **THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL**  
7 **REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS**  
8 **OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS**  
9 **OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A**  
10 **RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL**  
11 **OR RES JUDICATA.**  
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14 At a stated Term of the United States Court of Appeals for the Second Circuit, held at the  
15 Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York,  
16 on the 15<sup>th</sup> day of September, two thousand six.  
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18 Present: HON. JOSEPH M. McLAUGHLIN,  
19 HON. SONIA SOTOMAYOR,  
20 HON. ROBERT A. KATZMANN,  
21 *Circuit Judges.*  
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25 MAMADOU BARRY,

26  
27 *Petitioner,*

28 No. 05-2106-ag

29 - v -  
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31 ALBERTO GONZALES, Attorney General of the United States,

32  
33 *Respondent,*  
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36 Appearing for Petitioner:

THOMAS V. MASSUCCI, New York, NY

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38 Appearing for Respondent:

39 NATHAN E. WYATT, Assistant United  
40 States Attorney, *for* EDWARD E.  
41 McNALLY, United States Attorney,  
42 Southern District of Illinois, Fairview  
Heights, IL

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2           **UPON DUE CONSIDERATION** of this petition for review of the order of the Board of  
3 Immigration Appeals (“BIA”), it is hereby **ORDERED, ADJUDGED, AND DECREED** that  
4 the petition is **DENIED**.

5           Petitioner Mamadou Barry, a native and citizen of Guinea, seeks review of a March 31,  
6 2005 order of the BIA affirming the October 14, 2003 decision of Immigration Judge (“IJ”)   
7 Gabriel C. Videla denying his application for asylum, withholding of removal, and relief under  
8 the Convention Against Torture (“CAT”). *In re Mamadou Barry*, No. A 79 318 402 (B.I.A.  
9 March 31, 2005), *aff’g* No. A 79 318 402 (Immig. Ct. N.Y. City October 14, 2003). We assume  
10 the parties’ familiarity with the underlying facts and procedural history, which we reference only  
11 as necessary to explain our decision.

12           The IJ found incredible Barry’s testimony that he had been persecuted on the basis of his  
13 Fulani ethnicity and his membership in the Rally of the People Guinean (“RPG”) political party.  
14 On the basis of that adverse credibility finding, the IJ rejected Barry’s asylum, withholding of  
15 removal, and CAT claims. Barry then appealed the denial of his claims for asylum and  
16 withholding of removal to the BIA. In its order, the BIA summarily affirmed the IJ’s decision.  
17 On appeal, Barry contends that the IJ’s adverse credibility finding was not supported by  
18 substantial evidence and that the IJ, as affirmed by the BIA, therefore erred in denying his  
19 petitions for asylum and withholding of removal.

20           This Court reviews the agency’s factual findings, including adverse credibility  
21 determinations, under the substantial evidence standard. *See* 8 U.S.C. § 1252(b)(4)(B); *Jin Hui*

1 *Gao v. U.S. Att’y Gen.*, 400 F.3d 963, 964 (2d Cir. 2005). Where, as here, the BIA summarily  
2 affirms the IJ’s decision, we review the IJ’s decision directly as the final agency determination.  
3 *See, e.g., Twum v. INS*, 411 F.3d 54, 58 (2d Cir. 2005).

4 We conclude that there was substantial evidence supporting the adverse credibility  
5 finding. The IJ identified numerous specific bases for his adverse credibility determination,  
6 including Barry’s inability to state whether he had traveled to Hong Kong days, weeks, or months  
7 after his alleged detention; his inconsistent testimony as to whether his only brother was older or  
8 younger than he was; his inconsistent testimony regarding how he had been able to obtain his  
9 national identification card during a period of time in which he was allegedly detained; his  
10 inconsistent testimony as to whether at the time of his arrest he was found to have a RPG  
11 membership card or a card from the Party of Unity and Progress (the “PUP,” rival party to the  
12 RPG); and the implausibility of Barry’s having voluntarily returned to Guinea in October of 2000  
13 had he truly feared for his life at that time. “Where the IJ’s adverse credibility finding is based  
14 on specific examples in the record of inconsistent statements by the asylum applicant about  
15 matters material to his claim of persecution, or on contradictory evidence or inherently  
16 improbable testimony regarding such matters, a reviewing court will generally not be able to  
17 conclude that a reasonable adjudicator was compelled to find otherwise.” *Zhou Yun Zhang v.*  
18 *INS*, 386 F.3d 66, 74 (2d Cir. 2004) (internal quotation marks and citations omitted). Also  
19 supporting the IJ’s adverse credibility determination was Barry’s lack of corroborating evidence.  
20 *See, e.g., Diallo v. INS*, 232 F.3d 279, 290 (2d Cir. 2000) (explaining that lack of corroboration  
21 can be taken into account when assessing an applicant’s credibility, provided that it does not

1       serve as the sole basis for an adverse credibility finding).

2               Accordingly, the petition for review is **DENIED**.

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4                               FOR THE COURT:

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6                               ROSEANN B. MacKECHNIE, CLERK

7                               By: Richard Alcantara, Deputy Clerk  
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